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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,793	03/15/2002	Ibrahim Katampe	434576-382	3062
1333	7590	12/01/2004	EXAMINER	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			SCHILLING, RICHARD L	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

215

Office Action Summary	Application No.	Applicant(s)	
	10/099,793	KATAMPE ET AL.	
	Examiner	Art Unit	
	Richard L. Schilling	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-20 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-14-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit 1752

1. Claims 13-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 13 there is no clear antecedent basis for the term "the aqueous phase" since the imaging layer is not recited as containing an aqueous phase.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-16 and 20 are rejected under 35

U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Liang et al. Liang et al. (see particularly column 2, line 49 - column 3, line 2; column 3, lines 15-47; column 4, line 10 - column 5, line 30; column 6, lines 11-35; column 7, lines 17-61; column 8, lines 17-56) discloses imaging systems comprising microcapsules with photohardenable core materials dispersed in aqueous phases. The microcapsules comprise inner wall materials formed by condensation of an amine and formaldehyde. The outer walls are formed by adding cross-linkable acrylic acid monomers and formaldehyde prepolymers to the aqueous phase wherein acrylic acid polymers cross-linked with the prepolymers are formed. During the preparation of the outer wall the aqueous phase in Liang et al. would, to at least some extent, contain the cross-linked acrylic acid polymers. At least some cross-linked acrylic acid polymer would remain in the aqueous phase after outer wall formation.

3. Claims 5 and 6 are objected to as depending on rejected claims but would be allowable if written in proper independent form. Liang et al. does not disclose concentrations of cross-linked acrylic acid polymers in aqueous phases as set forth in instant claim 17 or the particular cross-linked acrylic acid polymers of claims 5, 6, 18 and 19. The rejection in the last

Office action is withdrawn since Orr is not directed to microcapsule formation. Orr only discloses that cross-linked polyacrylic acid polymers as set forth in the instant claims may be used as thickening agents along with other thickening agents including pectin which is used in microcapsule formation.

However, the primary reference to Polykarpov et al. does not disclose that any thickening agent may be used with equivalent results for microcapsule formation. Also, the comparisons in applicants' working Examples with pectin as a viscosity modifier as compared to the polyacrylic acid polymers of the instant claims shows improved results for the polyacrylic acid polymers of the instant claims which is not expected from the prior art.

4. Brown et al. and Sakamoto et al. are cited of interest in the art as disclosing microcapsule formation with acrylic acid polymers in aqueous phases wherein the polymers are not cross-linked.

5. The instant claims would be allowable if the aqueous phase is limited to a solution of the carboxyvinyl polymer as supported on page 8 of the specification. The instant claims do not require that the outside of the microcapsule aqueous phase contains the cross-linked acrylic polymer dissolved therein.

6. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

Serial No. 10/099,793

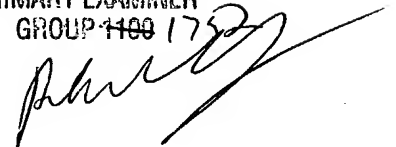
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Art Unit 1752

RLSchilling:cdc

November 29, 2004

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100 1752

A handwritten signature in black ink, appearing to read 'Richard L. Schilling', is written over the printed name and title.